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Code of Conduct Policy

Adopted by the Board of Paddle Manitoba, 2009-12-06

1. Principals of Expected Conduct

Paddle Manitoba is committed to providing a recreation, sport, volunteer and work environment characterized by values of excellence, fairness, integrity, and open communication in which all individuals are treated with respect. Furthermore, Paddle Manitoba supports equal opportunity and prohibits discriminatory practices. Harassment in all its forms is viewed as a form of abuse and will not be tolerated.

Paddle Manitoba believes that membership and participation privileges come with certain responsibilities and obligations, including but not limited to, complying with the Constitution, By-laws, Code of Conduct, and Policies of Paddle Manitoba. Each member must accept the responsibility to evaluate his or her behaviour with respect to the Code of Conduct and determine whether it contravenes the code or may be reasonably perceived to contravene the code.

2. Scope

All members of Paddle Manitoba, instructors working under the auspices of Paddle Manitoba, and participants in programs and activities authorized by Paddle Manitoba are expected to conduct themselves at all times in a manner consistent with this Code of Conduct.

3. Definitions

Within the Code of Conduct for Paddle Manitoba, the following definitions of terms will be used:

- a) *Adjudication Panel*: A panel, chaired by the Vice-President of Paddle Manitoba and having two other members, that will listen to and provide recommendations to the Board of Paddle Manitoba with regard to complaints under this Code of Conduct.
- b) *Code of Conduct*: Basic rules and regulations that reflect the standard of behaviour which is expected of all Paddle Manitoba members and participants in Paddle Manitoba events, courses, and programs.
- c) *Disciplinary Sanctions*: Penalties or sanctions identified within this policy which are applied through the due process of this policy to Paddle Manitoba members who contravene the standards of the policy.
- d) *Member*: Any person who is a member-in-good-standing of Paddle Manitoba.
- e) *Official*: Any member of the Board of Paddle Manitoba or a responsible volunteer or instructor authorized by the Board of Paddle Manitoba.

- f) *Days*: The total number of days, irrespective of weekends or holidays.
- g) *Harassment*: Verbal or physical communication directed towards an individual or a group of individuals, present or absent, which is or ought to be reasonably expected to be perceived as insulting, intimidating, humiliating, malicious, degrading, cruel, condescending, or offensive. It includes behaviour directed towards an individual or group as a mechanism of exerting power or influence that would sway the individual or group from exercising reasonable good judgement. Types of behaviour that constitute harassment include, but are not limited to:
- Written, verbal, or physical communications;
 - Unwanted communication, verbal or written, when further contact has been specifically requested to stop;
 - Condescending, paternalistic, patronizing, threatening, or punishing actions that undermine self esteem and reasonable judgement or diminish performance;
 - Unwelcome remarks, jokes, comments, innuendo, or taunting about a person's looks, body, attire, age, race, religion, sex, or sexual orientation;
 - Practical jokes that cause awkwardness or embarrassment, endanger a person's safety or negatively affect performance;
 - Any form of hazing;
 - Unwanted physical contact including touching, petting, pinching, and kissing;
 - Unwelcome sexual flirtations, advances, requests, or invitations;
 - Sexual harassment, as defined by this policy;
 - Any form of physical or sexual assault;
 - Behaviours such as those described above that are not directed towards individuals or groups but have the same effect of creating a negative or hostile environment;
 - Retaliation or threats of retaliation against an individual who reports harassment.
- h) *Sexual Harassment*: Unwelcome sexual remarks or advances, requests for sexual favours or verbal or physical conduct of a sexual nature when:
- Submitting to or rejecting this conduct is used as the basis for making decisions that affect the individual; or
 - such conduct has the purpose or effect of interfering with the an individual's performance; or
 - Such conduct creates an intimidating, hostile or offensive environment.

4. Application of this Policy

- a) This policy applies to all members of Paddle Manitoba, including the Board of Directors, volunteers, instructors, and members in good standing and participants taking part in programs and activities authorized by Paddle Manitoba. It applies to all activities and courses initiated or sanctioned by Paddle Manitoba including all courses taught in Manitoba by Paddle Canada instructors.
- b) In accordance with this policy, a person in a position of authority is encouraged to take immediate, informal, corrective disciplinary action in response to behaviour that constitutes a minor breach of this policy.
- c) The Board of Paddle Manitoba is responsible for overseeing the application and enforcement of this policy at all times and for ensuring that all incidents and complaints are dealt with in a timely manner.

- d) In addition to the formal responsibilities of the Board, individual members of Paddle Manitoba have a responsibility to:
- Maintain and enhance the dignity and self-esteem of members, students, and participants through application of the provisions of this policy;
 - Refrain from any behaviour that constitutes harassment as defined in this policy;
 - Refrain from any behaviour that constitutes sexual harassment as defined in this policy;
 - Comply at all times with the Constitution, Bylaws, and Policies of Paddle Manitoba and Paddle Canada.

5. Confidentiality

Paddle Manitoba recognizes that it can be extremely difficult to come forward with a complaint of harassment and that it can also be devastating to be wrongly convicted of harassment. Consequently, accusations, case review and adjudication, and disciplinary action will be confined to those members directly involved, witnesses, the Board of Paddle Manitoba, and those specifically identified by the Adjudication Panel except where such disclosure is required by law. The Board of Paddle Manitoba may only release their findings and decision where it can be demonstrated that further breaches of this policy are likely and that these breaches may directly affect the wellbeing of Paddle Manitoba members, participants in Paddle Manitoba sponsored events, and students being taught under the auspices of Paddle Canada within the Province of Manitoba or where release of the information is identified as a disciplinary sanction. Both the complainant and respondent are bound by the terms of confidentiality of this policy and may only disclose the whole or any part of the proceedings, adjudication report, and disciplinary action when specifically approved by the Board of Paddle Manitoba.

6. Procedures for Receiving and Responding to a Complaint

- a) A person who experiences harassment, any person who witnesses harassment, or any person who believes harassment has occurred is encouraged to make it known the perceived harasser that the behaviour is inappropriate and contrary to this policy.
- b) If confronting the perceived harasser is not possible or if after confronting the perceived harasser, the behaviour continues, the person who has experienced the harassment, who witnesses the harassment, or who believes harassment has occurred should report the incident to an official of Paddle Manitoba. Anyone reporting an incident in breach of this policy is responsible for following the rules of confidentiality as outlined in Item #5 of this policy.
- c) Once the incident has been made known, the official is to serve in a neutral, unbiased capacity in receiving the complaint and assisting in its informal resolution. If the official considers that s/he is unable to act in this capacity because of potential conflict of interest or perceived threat, the complainant shall be referred to the Vice-President of Paddle Manitoba who will act as the head of the Adjudication Panel. If the complainant is not comfortable contacting the Vice-President or the Vice-President is directly involved in the incident, the complainant should be encouraged to contact another member of the Board of Paddle Manitoba. The official is responsible for providing the complainant with contact information.
- d) Three outcomes are possible from this initial complaint procedure:
- The complainant is satisfied that the incident has been dealt with appropriately and the laying of formal charges is not necessary;

- The complainant is not satisfied that the incident has been dealt with appropriately and therefore chooses to advise the Board of Paddle Manitoba of the incident for further advice and action;
 - The complainant is not satisfied that incident has been dealt with appropriately and feels that the incident is serious enough to lay formal charges through the mechanisms described in this policy.
- e) If, at any time, the complainant or official believes the accusation is a criminal act, they must notify the appropriate authorities and a Board member of Paddle Manitoba immediately.
- f) The Vice-President of Paddle Manitoba will act as the Chair of the Adjudication Panel unless s/he is directly involved in the incident or is perceived to be in a conflict of interest in which case the Vice-President will ask the President to appoint an acting Chair for the duration of the investigation and disciplinary hearings. The President will then select another member of the Board or, under extraordinary circumstances, another person not on the board to act as Chair.
- g) The Adjudication Panel will be made up of the Chair and two other people selected by the Chair and approved by the Board of Paddle Manitoba. One of the Panel members will normally be a member of the Board of Paddle Manitoba. The third member can be anyone the Chair recommends, including someone from outside Paddle Manitoba, who the Chair feels will facilitate a fair and just outcome to the hearing. The Chair is encouraged to recommend Panel members experienced in harassment matters, investigation techniques, and conflict resolution.
- h) The Adjudication Panel will initiate a fact-finding investigation for the accusation that will include:
- A private interview with the complainant;
 - A private interview with the respondent;
 - Private interviews with any witnesses to the incident;
 - Private interviews with any persons the panel feels may have relevant facts or observations that can assist the panel in reaching a decision;
 - If necessary, discussions with relevant experts on behaviour and harassment to assist in reaching a decision and, if required, disciplinary action.
- i) The complainant and respondent may choose to submit a written statement to the Adjudication Panel.
- j) If, after completing the initial fact finding investigation, the Panel believes the accusation is warranted and justified, it will convene a hearing involving the complainant, respondent, and witnesses. The complainant and respondent will have an opportunity to provide evidence and to cross-examine each other and witnesses. At the conclusion of the hearing, the Panel will render its decision.
- k) The Panel will prepare a report on its findings and conclusions including recommended disciplinary actions, if warranted, for presentation to the Board of Paddle Manitoba. The report can include written statements by the complainant and respondent. The report will include:
- A summary of the relevant facts;
 - A determination as to whether the charges made by the complainant are justified and contravene this policy;
 - Recommended disciplinary action to be taken if the charges are justified;
 - Measures to remedy or mitigate the harm or loss suffered by the complainant.
 - If the charges by the complainant are determined to be false, vexatious, retaliatory, or frivolous, the Panel can include recommended disciplinary sanctions against the complainant.

- l) If the Panel feels the accusations made by the complainant are serious enough to warrant criminal behaviour, the Panel must report their suspicions to the proper authorities and the Board of Paddle Manitoba immediately.
- m) The Panel will make every effort to complete the fact-finding investigation within 21-days of the report of the incident. If the investigation cannot be completed within 21-days, the Chair must ask the Board of Paddle Manitoba for an extension.

7. Decision

- a) The report of the Adjudication Panel will be reviewed by the Board of Paddle Manitoba.
- b) If the Board feels the behaviour of the respondent or the complainant are serious enough to warrant criminal behaviour, the Panel must report their suspicions to the proper authorities.
- c) The Board will decide whether disciplinary sanctions are to be taken against the respondent or complainant.
- d) On directing disciplinary sanctions, the Board may consider the following options, singly or in combination, depending on the nature and severity of the charges and other aggravating and mitigating circumstances:
 - Verbal apology;
 - Written apology;
 - Letter of reprimand from Paddle Manitoba;
 - Referral for counselling;
 - Temporary suspension of membership from Paddle Manitoba;
 - Permanent suspension of membership from Paddle Manitoba;
 - Publication of the decision;
 - Expulsion from courses
 - Termination of employment or contract
 - Any other sanction that the Board considers appropriate in the circumstances.
- e) Except under extenuating circumstances, the Board will render its decision and a disciplinary sanction warranted within 14-days.
- f) Unless the Board decides otherwise, any sanctions will take effect immediately and last for the duration specified by the Board.
- g) Any disciplinary action initiated by the Board of Paddle Manitoba that may involve the jurisdiction of Paddle Canada must be done in consultation with Paddle Canada.
- h) If the respondent or complainant does not abide by the decision and disciplinary sanctions imposed by the Board, the Board may choose to escalate the disciplinary sanction.
- i) The respondent and complainant will be provided with copies of the report of the Adjudication Panel and a letter from the President outlining the decision and, if implemented, disciplinary sanctions taken by the Board. Both the respondent and complainant are bound by terms of confidentiality specified above. Any breach of the terms of confidentiality can lead to further disciplinary sanctions by the Board of Paddle Manitoba.

8. Review and Approval

This policy was first approved by the Board of Paddle Manitoba on December 6, 2009. The administration and review of this policy is the responsibility of the Vice-President of Paddle Manitoba.